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December 7, 2020

BY ECF

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas St.
White Plains, NY 10601

RE: *Lafontant v. Mid-Hudson Forensic Psychiatric Center, et al.*,
No. 18-cv-00023 (KMK) (PED)

Dear Judge Karas:

This Office represents the Defendants in the above-referenced action. Under the current schedule, the deadline for filing Defendants' pre-motion letter in anticipation of their motion for summary judgment is this Thursday, December 10, 2020, and the summary judgment motion itself is due on Thursday, December 24, 2020. Plaintiff recently informed Defendants that (i) she intends to amend her complaint in a manner that will modify—and perhaps greatly reduce—the scope of the claims in this case; and (ii) Plaintiff's amended pleading will likely be filed by next Wednesday, December 16 (subject to consent by Defendants and/or leave of the Court).

Given these facts, and with the Plaintiff's consent, Defendants respectfully request that (i) the December 10, 2020 deadline for filing their pre-motion letter regarding summary judgment be adjourned to one week after the filing of Plaintiff's forthcoming amended pleading; and (ii) the December 24, 2020 deadline for filing Defendants' summary judgment motion be extended to eight weeks after the filing of Plaintiff's forthcoming amended pleading. Defendants further request that the Court set deadlines for opposition and reply papers at the pre-motion conference.

Proceeding in this manner would streamline the proceedings on summary judgment and is likely to conserve the Court's resources. During a videoconference today, Plaintiff's counsel stated that Plaintiff is contemplating the elimination of all claims against Defendant Mid-Hudson Forensic Psychiatric Center ("Mid-Hudson") in the new pleading. This would leave only one Defendant, James Neale, who retired from Mid-Hudson in 2016 and did not interact with Plaintiff after that point. If Plaintiff makes such a change, the scope of alleged wrongful conduct would be confined to conduct occurring in 2015 and 2016—thus significantly reducing the chronology of events that the parties and the Court would have to address.

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The requested extension for the filing of Defendants' summary judgment motion is also appropriate given the upcoming holidays, which are likely to impact counsel's ability to secure declarations from witnesses and complete the remaining portions of their summary judgment papers. Moreover, Defendants understand that Plaintiff has not yet made a final decision regarding the precise scope of changes to be incorporated in her new pleading. In light of this uncertainty, Defendants submit that the requested eight weeks is a reasonable amount of time to review the new pleading and draft motion papers responding to it.

While the parties have made previous requests to extend the discovery schedule, which have in turn affected the summary judgment deadlines, this is the first request to extend the summary judgment deadlines themselves. Plaintiff consents to this request.

Respectfully submitted,

/s/Matthew Lawson
Matthew Lawson

cc: All Counsel (by ECF)

Defendants' time to submit their pre-motion letter is extended to one week after the amended complaint is filed. The time to file the summary judgment motion is extended four weeks after the amended complaint is filed.

So Ordered.



12/8/20